

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE SCHERING-PLOUGH
CORPORATION/ENHANCE SECURITIES
LITIGATION

08-CV-397 (DMC) (JAD)

IN RE MERCK & CO., INC.,
VYTORIN/ZETIA SECURITIES
LITIGATION

08-CV-2177 (DMC) (JAD)

STIPULATION

WHEREAS, on December 17 and 21, 2012, the parties met and conferred in an effort to reduce the number of pre-trial motions; and

WHEREAS, the parties have agreed that certain evidence and argument should not be presented at trial;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among counsel for the undersigned parties, that:

1. Plaintiffs and Defendants will not present evidence or otherwise reference at trial of this matter the formation of a special committee of the Board of Directors of Schering-Plough Corporation in 2008 to investigate various matters relating to the ENHANCE trial, including but not limited to the scope of the internal investigation, who conducted the internal investigation, how the internal investigation was conducted, or the findings of the internal investigation.

2. Defendants will not present evidence or otherwise reference at trial of this matter the findings or outcome of the internal investigation discussed in Paragraph 1. Nor will Defendants argue at trial of this matter that they relied on advice of counsel arising from the internal investigation discussed in Paragraph 1.

Dated: January 3, 2013

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Employees' Retirement System

Christopher J. McDonald

Christopher J. McDonald

SO ORDERED,

this 1st day of Jan., 2013.

Joseph A. Dickson

Joseph A. Dickson,

United States Magistrate Judge